

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
MANUEL VERA BETANCOURT,	)	
	)	
Petitioner,	)	
	)	
v.	)	C.A. No. 04-11876-RCL
	)	
JOHN ASHCROFT, Attorney General for	)	
the Unites States, et al.	)	
	)	
Respondents.	)	
_____	)	

**RESPONDENTS' RETURN AND MOTION TO DISMISS**

Respondents, John Ashcroft, the Attorney General for the United States, Steve Farquharson, the District Director of the Immigration and Naturalization Service ("INS"), and the INS, move to dismiss the Petition For Writ of Habeas Corpus. In support of this motion the Respondents submit the accompanying Return and Memorandum of Law in Support of their Motion to Dismiss.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney  
John Joseph Moakley Federal Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Dated: September 20, 2004

**CERTIFICATION UNDER L.R. 7.1**

Because Petitioner is a prisoner currently incarcerated in a federal correctional facility, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I certify that on September 20, 2004, I caused a copy of the foregoing Motion to be served on Petitioner by first class mail, postage pre-paid to Manuel Vera Betancourt, #22-790-964, at Plymouth County Correctional Facility, ID No. 36779, Unit E3, Room 323, 26 Long Pond Road, Plymouth, MA 02360.

/s/ Damian W. Wilmot  
DAMIAN W. WILMOT  
Assistant U.S. Attorney